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C O N F I D E N T I A L SECTION 01 OF 02 THE HAGUE 000149

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DEPARTMENT FOR S/WCI - PROSPER/RICHARD, EUR/SCE -  
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SEIDENSTRICKER/MORIN

E.O. 12958: DECL: 1.6 FIVE YEARS AFTER CLOSURE OF ICTY

TAGS: [PREL](#) [PHUM](#) [BK](#) [HR](#) [SR](#) [NL](#) [ICTY](#)

SUBJECT: ICTY: DEPUTY PROSECUTOR BLEWITT RESIGNING

REF: 03 THE HAGUE 236

Classified By: Legal Counselor Clifton M. Johnson per reasons 1.5(b)-(d)  
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1. (C) Summary: International Criminal Tribunal for the former Yugoslavia (ICTY) Deputy Prosecutor Graham Blewitt has announced to colleagues in the Office of the Prosecutor (OTP) that he will not remain in his position beyond June of this year. Blewitt's resignation, after ten years at the Tribunal, makes him the second senior OTP official to announce such plans, with Chief of Prosecutions Michael Johnson leaving the Tribunal in April. The resulting vacuum creates an opportunity for Chief Prosecutor Carla Del Ponte to consolidate her authority within the office, much as she has planned since at least the fall of 2002 (reftel). End summary.

2. (C) In an internal personal message on January 21, obtained by Embassy legal officers, ICTY Deputy Prosecutor Blewitt sought "to explain to all my colleagues the reason why I have decided not to seek a renewal of my contract." He focused upon "personal and family reasons," particularly his ten-year absence from his home in Australia and an aging mother. He expressed his realization that "it is indeed time for me to move on," and offered only one parting reference to his sour relationship with the Chief Prosecutor, saying, "The fact that I have not enjoyed the same relationship with the current Prosecutor as I did with Messrs Goldstone and Arbour has been a factor, but by no means the determining one." Originally he had planned to announce his resignation in April so as to "maintain maximum effectiveness" and avoid becoming "irrelevant to some extent." Since his return from Australia this week, however, "I feel that I am being deceptive to more and more colleagues and this is making me feel very uncomfortable." More to the point, he said, "I also realise that as plans are being made for the future work of the OTP, that these should not be made in the expectation that I will still be here." Committed to a "100% effort towards the work of the Tribunal during the remaining months," Blewitt noted that "there is still a lot of hard work to be done in the coming years but I believe that the Tribunal is now well established and I do not think any ongoing personal contribution on my part will make much difference."

3. (C) The resignation marks the second among OTP's senior management in recent weeks. It comes on the heels of the forced resignation of Michael Johnson, the American chief of prosecutions who has butted heads with Del Ponte repeatedly over matters of style, process and substance and who has been accused by her of disloyalty. Johnson, by contrast to Blewitt, did not come to the decision out of a desire to return home, as his family resides with him in The Hague. Rather, Del Ponte has made clear to him that his position would be in name only, as she stripped him of any substantial responsibility just before the new year. He is scheduled to depart the Tribunal on April 15.

4. (C) With two imminent vacancies in OTP senior management, Del Ponte will seize the opportunity to consolidate her control and authority in the OTP. Previously, both Blewitt (who has the personal loyalty of the significant majority of the staff) and Johnson provided a significant counterweight to Del Ponte and management oversight of the substantive aspects of the prosecutions while Del Ponte focused on relations with governments, fugitive apprehensions, and other more political issues. Del Ponte is said to be considering a restructuring of the senior management of the OTP to eliminate the Chief of Prosecutions position. Under this scenario she would merge the functions of the Chief of Prosecution with those of the Chief of Investigation, creating a position that would be a near equal in authority to that of the Deputy. Del Ponte is reported to be recruiting a senior Swiss prosecutor to join her senior staff. She is also considering elevating the French Chief of Investigations to one of the management slots, perhaps in an acting capacity. We would also not be surprised to see her give serious consideration to an American candidate in an effort to assuage any USG concerns about the resignations. (NB: While the deputy position is not a statutory one, it derives from Article 38 of the Rules of Evidence and

Procedure, which provides the Chief Prosecutor with the authority to recommend to the United Nations Secretary General a deputy prosecutor.)

15. (C) Comment. Graham Blewitt is the longest-serving senior staff member at the ICTY, perhaps the one person who can catalog, by memory, the early lows to the recent highs of the Tribunal's development. While he has been a mediocre manager, he has been a consistent and principled interlocutor, unafraid to cooperate on sensitive matters and committed to building and maintaining a high-level partnership to meet the ICTY's objectives. His departure, particularly when combined with that of Michael Johnson, is an significant loss for the USG and demoralizing to OTP staff. An appropriately seasoned prosecutor, preferably someone with the USG's confidence and with managerial experience, would be an ideal candidate to handle the OTP's busy docket and keep the OTP on a steady course as it heads toward completion strategy landmarks. Embassy recommends that Department consider possible candidates early in this process so as to maximize any influence we might have in the selection process. End comment.

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